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February 18, 2016					
FEDERAL MARITIME COMMISSION					

**FEDERAL MARITIME COMMISSION**

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**DOCKET NO. 15-10**

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**REVOCATION OF OCEAN TRANSPORTATION INTERMEDIARY  
LICENSE NO. 017843 – WASHINGTON MOVERS, INC.**

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**INITIAL ORDER**

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On October 8, 2015, the Commission ordered respondent Washington Movers, Inc. (Washington Movers) to show cause why the Commission should not revoke its ocean transportation intermediary (OTI) license due to the felony weapons smuggling convictions of its qualifying individual Sam Ghanem and various other alleged regulatory violations. On November 2, 2015, Washington Movers filed a reply to the Order and Norma Ghanem, the wife of Sam Ghanem, filed a motion to intervene. The Bureau of Enforcement (BOE) responded with a memorandum supporting revocation. BOE also opposed intervention. BOE suggested that the Commission should consider whether additional evidentiary inquiry were necessary, and if so, whether the matter should be referred to the Office of Administrative Law Judges. Washington Movers filed a motion for leave to reply to the BOE's memorandum supporting revocation. On February 12, 2016, the Commission issued an Order Regarding Preliminary Issues granting Washington Movers' motion for leave to reply, denying Norma Ghanem's motion to intervene, and assigning this matter to the Office of Administrative Law Judges "to consider whether further submissions are necessary, to determine whether an evidentiary hearing is warranted, to make factual findings, and to issue an Initial Decision regarding revocation of Washington Movers' OTI license." *Revocation of Ocean Transportation Intermediary License No. 017843 – Washington Movers, Inc.*, FMC No. 15-10 (FMC Feb. 12, 2016).

Washington Movers, represented by counsel, has filed its response to the show cause order. Because the issues have been joined, there is no need for Washington Movers to file an answer in this matter. BOE and Washington Movers should already have a firm idea of the evidence that they intend to present and the witnesses whom they intend to call at an oral hearing, if an oral hearing is necessary. Therefore, it is hereby

**ORDERED** that on or before March 3, 2016, each party serve and file with the Secretary a statement identifying what further submissions the party believes are necessary to complete the record upon which an initial decision can be made. Each party must state what other paper discovery and what depositions it believes are necessary, if any. Each party must also state whether it believes that an evidentiary hearing is warranted, and if so, the factual issues that must be resolved in an evidentiary hearing. If a party believes that an evidentiary hearing will necessary, the party must provide a preliminary witness list including the name, address, and telephone number of each person expected to testify and a summary of the expected testimony. It is

**FURTHER ORDERED** that on or before March 10, 2016, the parties serve and file responses to the other parties' March 3, 2016, statement. It is

**FURTHER ORDERED** that copies of all documents filed electronically with the Secretary at *secretary@fmc.gov* also be sent to *judges@fmc.gov*. It is

**FURTHER ORDERED** that on March 17, 2016, at 10:00 A.M. EDT,<sup>1</sup> the parties appear through counsel at the Commission hearing room, 800 N. Capitol Street N.W., First floor, Washington, D.C. 20573, for a status conference. The parties are instructed to notify each other and the undersigned forthwith whether they are available at the scheduled time. If a party is not available at the scheduled time, the parties are instructed to consult with each other to establish dates and times during the week March 14-18, 2016, when each is available and advise the undersigned for possible rescheduling.

In addition, the parties must abide by the following additional instructions:

## **ADDITIONAL INSTRUCTIONS**

### **Filing**

1. Information regarding where to find the Commission's rules of practice and procedure (46 C.F.R. Part 502), Commission decisions, and other information helpful for parties may be found on the Commission's website, at [http://www.fmc.gov/resources/attorneys\\_litigants.aspx](http://www.fmc.gov/resources/attorneys_litigants.aspx).
2. The original and proper number of copies of documents must be filed with the Secretary of the Commission as required by Rule 2 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.2.
3. Parties are encouraged to file documents with the Office of the Secretary via email, priority mail, or overnight mail. In addition to filing with the Secretary, the parties are also encouraged to send courtesy copies to the presiding judge via email at *judges@fmc.gov*.

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<sup>1</sup> Daylight Saving Time begins March 13, 2016.

4. The parties may elect to receive service of the rulings, orders, and decisions in this proceeding through email in lieu of service by U.S. mail. A party opting for electronic service must advise the presiding judge in writing or by email sent to [judges@fmc.gov](mailto:judges@fmc.gov) and provide the email address where the party wishes to receive service. A party must notify the Commission of any change of service address.
5. *Case citations.* Because the Commission currently uses Lexis, citations to judicial opinions on Westlaw should include a parallel citation to Lexis, if possible. Citations to Commission decisions or rulings may be made to the official F.M.C. reporters, Pike & Fischer Shipping Regulation Reports (S.R.R.), Lexis or Westlaw, or Commission slip opinions or orders by docket number, title, and date of service. Citation to Lexis or Westlaw must include the corresponding S.R.R. citation or the F.M.C. docket number, the title of the case, and the precise date of the ruling. If a document from another source is cited, the decision or ruling must be transmitted via e-mail to [judges@fmc.gov](mailto:judges@fmc.gov).

#### **Discovery**

6. The parties are reminded of their obligation to ensure preservation of all relevant evidence, including electronically stored information. *Zhi Chen v. District of Columbia*, 839 F. Supp. 2d 7, 12 (D.D.C. 2011); *The Pension Comm. of the Univ. of Montreal Pension Plan v. Banc of America Securities, LLC*, 685 F. Supp. 2d 456 (S.D.N.Y. 2010); *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212 (S.D.N.Y. 2003).
7. Discovery materials must not be filed until used in the proceeding. 46 C.F.R. § 502.2(k).
8. Compliance with the date set for completion of discovery requires that the parties serve discovery requests sufficiently in advance of the discovery cutoff so that all responses and objections will be due on or before that date.
9. The parties must provide an electronic copy, in a word processing format, of all discovery requests served and all responses to discovery with the exception of documents produced. Answers, responses, and objections to interrogatories and requests for admissions or for production of documents must identify and quote each interrogatory or request in full immediately preceding the answer, response, or objection thereto.
10. A motion to compel must set forth verbatim the interrogatory or request, the response that the moving party argues is insufficient, a summary of the moving party's attempts to secure a sufficient response, and the moving party's argument on why the response is insufficient. The moving party must provide an electronic copy in a word processing format of the motion to compel with the hard copy of the motion.

The non-moving party must use the electronic copy of the motion to compel and add any counter-summary of the attempts to secure a sufficient response, then its argument on why the response is sufficient, below the moving party's summary and argument for each response claimed to be insufficient. The non-moving party must provide to the moving party and to the Presiding Officer an electronic copy in a word processing format of the motion to compel to which it has added its counter-summaries and arguments.

11. A party withholding documents because of an asserted privilege must serve a privilege log that complies with the requirements of Federal Rule of Civil Procedure 26(b)(5)(A).

### **Motions**

12. Rules regarding motions impose time limits, page limits, address replies, and require the parties to confer prior to filing non-dispositive motions. 46 C.F.R. §§ 502.69-502.71.
13. Any request for action by the Commission or presiding officer must be made by motion, not by letter or email request.

### **Confidential Material**


14. *Stipulation* – The parties may agree and stipulate between themselves regarding treatment of confidential documents and information obtained during discovery that is not filed with the Commission. The parties may, but are not required to, file a courtesy copy of the agreement with the Commission.
15. *Use in the proceeding* – If confidential information is filed in a memorandum or as an exhibit to a dispositive motion or as part of briefing on the merits, it must be accompanied by a motion justifying confidential treatment. This motion must identify each item for which protection is sought and show good cause by demonstrating that the information is a trade secret or other confidential research, development, or commercial information. 46 C.F.R. § 502.201(j)(1)(vii). The burden is on the party seeking to protect the information to show good cause for its protection.
16. *Filing* – Parties should file two versions of confidential filings marked as the “confidential version” and the “public version.” The confidential version may be provided to the Presiding Officer by email but should not be filed with the Office of the Secretary by email pursuant to Commission Rule 5. 46 C.F.R. § 502.5.
17. *Marking confidential material* – In the confidential version, confidential information must be conspicuously and clearly marked on each page, for example by highlighting or braces. The public version must indicate on the cover page and on each affected page “Public version – confidential materials excluded.” The public version must clearly indicate any omissions, for example with blackout or braces, and its pagination and depiction of text on

each page must be identical to that of the confidential version. For example, the confidential filing may read: "On January 1, 2010, Complainant entered into a {25} year lease with respondent for a monthly rent of {\$1000}." The public version would read: "On January 1, 2010, Complainant entered into a { } year lease with Respondent for a monthly rent of { }."

18. *Exhibits* – Confidential information in exhibits should be marked as above. If marking within the text is not feasible, individual pages may be replaced in the public version with a page indicating that confidential material was excluded. Entire exhibits should not be excluded, only those pages containing confidential material.
19. *Personal information* – Personally identifiable information such as social security numbers, birth dates, and financial account numbers must be redacted pursuant to Commission Rule 13. 46 C.F.R. § 502.13.

### **Hearing**

20. The parties are expected to attempt to narrow the issues and to shorten the proceeding by stipulations. The parties may, by stipulation, agree upon any facts involved in the proceeding. 46 C.F.R. § 502.162. Stipulations should be signed by the parties and may be filed at any point in the proceedings.

  
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Clay G. Guthridge  
Administrative Law Judge